



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



269625

JUN 24 2002

REPLY TO THE ATTENTION OF
St. Louis Auto Shredding

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

National City Environmental, L.L.C.
c/o Bill S. Forcade
Jenner & Block
330 North Wabash
Chicago, Illinois 60611

RE: General Notice of Potential Liability letter for the St. Louis Auto Shredding site, located at 1200 North 1st Street, National City, Illinois.

Dear Sir:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Develop and implement a Site Health and Safety Plan, including an air monitoring plan and Site contingency plan;

2. Develop and implement a Site security plan;
3. Characterize, remove and properly dispose of hazardous substance and wastes (contaminated soils) located at the Site in accordance with U.S. EPA's Off-Site Rule (40 CFR 300.440);
4. Backfill the excavated areas with clean material and topsoil. Restore and vegetate to prevent soil erosion.

U.S. EPA has received information that your organization may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within seven (7) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

William J. Ryczek
U.S. EPA - Region 5
Emergency Enforcement & Support Section SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590

If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the

facility and that your organization has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Mark Geall of the U.S. EPA Office of Regional Counsel at (312)353-9538.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,


fw Richard C. Karl, Chief
Emergency Response Branch

Enclosures: SBREFA information sheet
List of other PRPs that received this letter.



United States
Environmental Protection
Agency

Office of Enforcement and Compliance Assurance 2201A)
EPA 300-F-99-004 September 1999

Office of Enforcement and Compliance Assurance **INFORMATION SHEET**

U.S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (<http://www.epa.gov/sbo>) is a good place to start because it links with many other related websites. Other useful websites include:

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Programs
<http://www.epa.gov/ttn/sbap>

Compliance Assistance Home Page
<http://www.epa.gov/oeca/oc>

Office of Site Remediation Enforcement
<http://www.epa.gov/oeca/osre>

Hotlines, Helplines and Clearinghouses
EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in

determining the hotline best meeting your needs. Key hotlines include:

EPA's Small Business Ombudsman
(800) 368-5888

**Hazardous Waste/Underground Tanks/
Superfund**
(800) 424-9346

National Response Center
(to report oil and hazardous substance spills)
(800) 424-8802

Toxic Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

**Stratospheric Ozone and Refrigerants
Information**
(800) 296-1996

Clean Air Technical Center
(919) 541-0800

Wetlands Hotline
(800) 832-7828

Continued on back

Supplemental Information for Small Businesses Subject to an U.S. EPA Enforcement Action

The United States Environmental Protection Agency (EPA) offers small businesses a wide variety of compliance assistance resources and tools designed to assist businesses to comply with federal and state environmental laws. These resources can help businesses understand their obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Websites

EPA offers a great deal of compliance assistance information and materials for small businesses on the following Websites, available through public libraries:

➡ www.epa.gov	<i>EPA's Home Page</i>
➡ www.smallbiz-enviroweb.org	<i>EPA's Small Business Home Page</i>
➡ www.smallbiz-enviroweb.org/state.html	<i>List of State Contacts</i>
➡ www.epa.gov/ttn/sbap	<i>Small Business Assistance Programs</i>
➡ www.epa.gov/oeca/polguid/index.html	<i>Enforcement Policy and Guidance</i>
➡ www.epa.gov/oeca/smbusi.html	<i>Small Business Policy</i>
➡ www.epa.gov/oeca/oc	<i>Compliance Assistance Home Page</i>
➡ www.epa.gov/oeca/ccsmd/commpull.html	<i>Small Businesses and Commercial Services</i>
➡ www.epa.gov/oeca/ccsmd/mun.html	<i>Small Communities Policy</i>

Hotlines

EPA sponsors approximately 89 hotlines and clearinghouses that provide a free and convenient avenues to obtain assistance with environmental requirements. The Small Business Ombudsman Hotline can provide you with a list of all the hot lines and assist you with determining which hotline will best meet your needs. Key hotlines that may be of interest to you include:

➡ Small Business Ombudsman.....	(800) 368-5888
➡ RCRA/UST/CERCLA Hotline.....	(800) 424-9346
➡ Toxics Substances and Asbestos Information.....	(202) 554-1404
➡ Safe Drinking Water.....	(800) 426-4791
➡ Stratospheric Ozone/CFC Information.....	(800) 296-1996
➡ Clean Air Technical Center.....	(919) 541-0800
➡ Wetlands Hotline.....	(800) 832-7828

Compliance Assistance Centers

EPA has established national compliance assistance centers, in partnership with industry, academic institutions, and other federal and state agencies, that provide on line and fax back assistance services in the following sectors heavily populated with small businesses:

- ➡ Metal Finishing (www.nmfrc.org)
- ➡ Printing (1-888-USPNEAC or www.pneac.org)
- ➡ Automotive (1-888-GRN-LINK or www.ccar-greenlink.org)

Supplemental Information for Small Businesses Subject to an U.S. EPA Enforcement Action

The United States Environmental Protection Agency (EPA) offers small businesses a wide variety of compliance assistance resources and tools designed to assist businesses to comply with federal and state environmental laws. These resources can help businesses understand their obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Websites

EPA offers a great deal of compliance assistance information and materials for small businesses on the following Websites, available through public libraries:

➡ www.epa.gov	<i>EPA's Home Page</i>
➡ www.smallbiz-enviroweb.org	<i>EPA's Small Business Home Page</i>
➡ www.smallbiz-enviroweb.org/state.html	<i>List of State Contacts</i>
➡ www.epa.gov/ttn/sbap	<i>Small Business Assistance Programs</i>
➡ www.epa.gov/oeca/polguid/index.html	<i>Enforcement Policy and Guidance</i>
➡ www.epa.gov/oeca/smbusi.html	<i>Small Business Policy</i>
➡ www.epa.gov/oeca/oc	<i>Compliance Assistance Home Page</i>
➡ www.epa.gov/oeca/ccsmd/commpull.html	<i>Small Businesses and Commercial Services</i>
➡ www.epa.gov/oeca/ccsmd/mun.html	<i>Small Communities Policy</i>

Hotlines

EPA sponsors approximately 89 hotlines and clearinghouses that provide a free and convenient avenues to obtain assistance with environmental requirements. The Small Business Ombudsman Hotline can provide you with a list of all the hot lines and assist you with determining which hotline will best meet your needs. Key hotlines that may be of interest to you include:

➡ Small Business Ombudsman.....	(800) 368-5888
➡ RCRA/UST/CERCLA Hotline.....	(800) 424-9346
➡ Toxics Substances and Asbestos Information.....	(202) 554-1404
➡ Safe Drinking Water.....	(800) 426-4791
➡ Stratospheric Ozone/CFC Information.....	(800) 296-1996
➡ Clean Air Technical Center.....	(919) 541-0800
➡ Wetlands Hotline.....	(800) 832-7828

Compliance Assistance Centers

EPA has established national compliance assistance centers, in partnership with industry, academic institutions, and other federal and state agencies, that provide on line and fax back assistance services in the following sectors heavily populated with small businesses:

- ➡ Metal Finishing (www.nmfrc.org)
- ➡ Printing (1-888-USPNEAC or www.pneac.org)
- ➡ Automotive (1-888-GRN-LINK or www.ccar-greenlink.org)

- ◆ Agriculture (1-888-663-2155 or www.epa.gov/oeca/ag)
- ◆ Printed Wiring Board Manufacturing (www.pwbr.org)
- ◆ The Chemical Industry (Contact: Emily Chow 202-564-7071)
- ◆ The Transportation Industry (<http://www.transource.org>)
- ◆ The Paints and Coatings Center (Contact: Scott Throwe 202-564-7013)
- ◆ Local Governments (Contact: John Dombrowski, 202-564-7036)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site as well as other types of assistance. Please contact your local state environmental agency for more information. EPA's Small Business Ombudsman can provide you with State Agency contacts by calling (800)-368-5888.

Compliance Incentive Policies

EPA's Small Business Policy and Small Communities Policy are intended to promote environmental compliance among small businesses by providing incentives such as penalty waivers and reductions for participation in compliance assistance programs, and encouraging voluntary disclosure and prompt correction of violations. These policies can not be applied to an enforcement action such as this one that has already been initiated, but are noted for future reference. Contact Karin Leff (202-564-7068) for information on the Small Business Policy and Ken Harmon (202-564-7049) for information on the Small Communities Policy.

In order to improve your understanding of and compliance with environmental regulations and avoid the need for future enforcement actions, we encourage you to take advantage of these tools. *However, please note that any decision to seek compliance assistance at this time does not relieve you of your obligation to answer EPA's administrative complaint in a timely manner, does not create any new rights or defenses, and will not affect EPA's decision to pursue this enforcement action.*

The Small Business and Agriculture Regulatory Enforcement Ombudsman and ten Regional Fairness Boards were established to receive comments from small businesses about federal agency enforcement actions. The Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your SIC designation, number of employees or annual receipts) and wish to comment on federal enforcement and compliance activities, call 1-888-REG-FAIR (1-888-734-3247). *However, participation in this program does not relieve you of your obligation to respond to an EPA request, administrative or civil complaint or other enforcement action in a timely manner nor create any new rights or defenses under law. In order to preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.*

Dissemination of this information sheet does not constitute an admission or determination by EPA that your business, organization or governmental jurisdiction is a small entity as defined by SBREFA or related provisions nor does it create any new rights or defenses under law.